

IN RE: PETITION FOR SPECIAL HEARING
NE cor. Taylor and Wendover
Avenues
2110 Taylor Avenue
9th Election District
6th Councilmanic District
Maurice J. Duca, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-361-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2110 Taylor Avenue in the Parkville section of Baltimore County. The Petition is filed by Maurice Duca, property owner. Special Hearing relief is requested to approve the use of the subject property as a two apartment dwelling, as a nonconforming use. The subject property is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Maurice J. Duca, property owner. Also appearing in support of the Petition was Jack Fiorini, a neighbor. The Petitioner was represented by Philip L. Asplen, Jr., Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is approximately .4357 acres in area, zoned D.R.5.5. This is a corner lot, located at the northeast corner of the intersection of Taylor Avenue and Wendover Avenue. The property is situated within the residential subdivision known as Parkville Heights. The subject property is actually comprised of three residential lots from the plat as originally laid out of the subdivision. The site is improved with a two story masonry building which is utilized to house two apartments.

ORDER RECEIVED FOR FILING

Date

By

4/29/96
M. G. [Signature]

MICROFILMED

Mr. Duca testified that the property has been owned by his family for many years. He indicated that his grandfather originally purchased the property and constructed the subject dwelling thereon prior to World War II. Later the property was owned by Mr. Duca's father and Mr. Duca acquired the property from his father's estate in 1992.

He further testified that the property has been used as a two apartment unit for as long as he can remember. Each apartment has a separate entrance. Moreover, each apartment has its own utility meter, a bathroom and living area.

Testifying in support of the request was Jack Fiorini, who resides at 7943 Highpoint Road, a short distance away. Mr. Fiorini has been familiar with the subject area and lot since the late 1930s. He testified that he worked for the Petitioner's grandfather and recalls the subject dwelling being constructed prior to World War II. As a resident of the locale, Mr. Fiorini was also able to testify that the property has been used as a two apartment dwelling since its construction. He indicated that there has been no abandonment or discontinuance of the use.

Nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) and regulated by the provisions of Section 104 thereof. Essentially, a nonconforming use designation can be utilized to grandfather an otherwise illegal use. The Petitioner must demonstrate that the subject use predated the adoption of the ordinance which prohibits such use. Moreover, it must be established that the use has not been discontinued or abandoned.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petitioner has met its burden. The uncontradicted testimony of Mr. Fiorini is particularly persuasive. That gentleman has personal knowledge of the use of the subject property since prior to 1945,

ORDER RECEIVED FOR FILING
Date 4/29/96
By M. G. Gerd

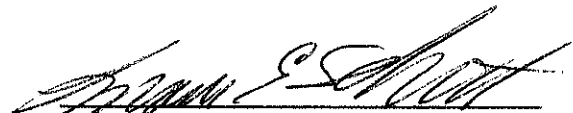
MICROFILMED

the date the first zoning regulations were adopted in Baltimore County. Thus, for these reasons, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April 1996 that, pursuant to the Petition for Special Hearing, approval for the use of the property, as a nonconforming use, for a two apartment dwelling, be and is hereby GRANTED, subject, however, to the following restriction.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

4/29/96

By

M. G. Gosh

RECEIVED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 29, 1996

Philip J. Asplen, Jr., Esquire
8600 LaSalle Road, Suite 625
Oxford Building
Baltimore, Maryland 21286

RE: Petition for Special Hearing
Case No. 96-361-SPH
Property: 2110 Taylor Avenue
Dr. Maurice J. Duca, Petitioner

Dear Mr. Asplen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

c: Mr. Maurice J. Duca, 2108 Taylor Avenue, Balto. Md. 21234
c: Mr. Nevitt S. Edwards III, 2511 Taylor Avenue, Balto. Md. 21234

MICROFILMED





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

96-361-SFH

2110 Taylor Avenue

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of 2110 Taylor Avenue as a two-apartment dwelling. The property has been continuously used as a multi-apartment dwelling since it was constructed in the 1920's. The continuous use as a multi-apartment dwelling pre-dates 1945.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Philip L. Asplen, Jr.

(Type or Print Name)

Signature

625 Oxford Building

8600 LaSalle Road (410) 821-7831

Address Phone No.

Baltimore Maryland 21286

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Maurice Duca

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2108 Taylor Avenue

850-2814

Address

Phone No.

Baltimore

Maryland

21234

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Philip L. Asplen, Jr.

Name

8600 LaSalle Rd. #625

(410) 821-7831

Address Baltimore, MD 21286

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY:

DATE 3-22-96



MICROFILMED

J. FINLEY RANSONE & ASSOCIATES

Land Surveying

Engineering

Real Estate Development

Construction Management

March 5, 1996

Zoning Description

360
96-361-SPH

**Duca Property
No. 2110 Taylor Avenue**

ALL that piece or parcel of land situate, lying, and being in the Ninth Election District, and Sixth Councilmanic District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the corner formed by the intersection of the north side of Taylor Avenue, 50 feet wide, with the east side of Wendover Avenue, 40 feet wide; said point being distant 96 feet from the intersection of the center of Queen Anne Road, 40 feet wide, with the north side of Taylor Avenue; and being designated as Lot No.'s 32, 33 34, and 35; and Lot No.'s 552, 553, 554, 555, and 556 as shown on the Plat entitled "Parkville Heights" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 7 folio 38.

THE IMPROVEMENTS thereon being known as No. 2110 Taylor Avenue.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-361-SPH

District: 9th Date of Posting: _____
Posted for: April 24, 1996 HEARING
Petitioner: MAURICE DUCA
Location of property: 2110 TAYLOR AVE

Location of Signer: _____

Remarks: _____
Posted by: Joseph J. [Signature] Date of return: _____
Number of Signs: 1

MAILED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-361-SPH
(Item 960)
2110 Taylor Avenue
NEC Taylor and Wendover
Avenues
9th Election District
6th Councilmanic

Legal Owner(s):
Maurice Duza
Special Hearing: to approve the use as a two apartment dwelling.
Hearing: Wednesday, April 24, 1996 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible. For special accommodations, Please Call 800-555-5555.
(2) For information on continuing the public hearing, Please Call 800-555-5555.

ing the public hearing. Please Call 800-555-5555.

4048 April 4 CH925

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/4, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/4, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

RECORDED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Form No. 107613

96-361

DATE 3/21/96 ACCOUNT K 001-6440

AMOUNT \$ 85.00

RECEIVED FROM: Mr. Appleton

1060 - Special Training School

4 ORG - 1996 - Training

FOR: _____

Mr. Appleton

1060 - Special Training School

VALIDATION OR SIGNATURE OF CASHIER

TRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 360 Petitioner: M DUSA

Site
Location: 2110 TAYLOR AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PHILIP L. ASPEN, JR

ADDRESS: 8600 LASALLE ROAD, Suite 625 OXFORD BLDG
BALTIMORE, MARYLAND 21286

PHONE NUMBER: (410) 821-7831



TO: PUTUXENT PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please forward billing to:

Philip L. Asplen, Jr., Esq.
8600 LaSalle Road, Suite 625
Baltimore, MD 21286
821-7831

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-361-SPH (Item 360)
2110 Taylor Avenue
NEC Taylor and Wendover Avenues
9th Election District - 6th Councilmanic
Legal Owner: Maurice Duca

Special Hearing to approve the use as a two apartment dwelling.

HEARING: WEDNESDAY, APRIL 24, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-361-SPH (Item 360)
2110 Taylor Avenue
NEC Taylor and Wendover Avenues
9th Election District - 6th Councilmanic
Legal Owner: Maurice Duca

Special Hearing to approve the use as a two apartment dwelling.

HEARING: WEDNESDAY, APRIL 24, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Maurice Duca
Philip L. Asplen, Jr., Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 17, 1996

Mr. Philip L. Asplen, Jr., Esquire
625 Oxford Building
8600 LaSalle Road
Baltimore, MD 21286

RE: Item No.: 360
Case No.: 96-361-SPH
Petitioner: Maurice Duca

Dear Mr. Asplen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



John Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 5, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 1996
Item Nos. 351, 352, 354, 359, (360) & 361

The Development Plans Review Division has reviewed the subject zoning item, and we have no comment.

RWB:HJO:jrb

cc: File

ZONE5A

TRANFORMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

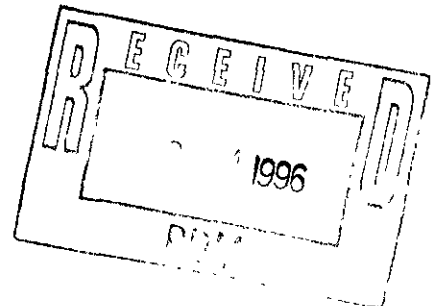
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 356,
357, 358, 359, 360 AND 361. *g*



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: March 28, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 352, 354, 356, 357, 358, 359, 360, and 361

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey Long

Division Chief:

Carol L. Kerns

PK/JL



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

3-29-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 360 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3-28-96

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: meeting of 4/1/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 352

353

354

355

356

357

359

360 ✓

361

LS:sp

LETTY2/DEPRM/TXTS8P

RECEIVED

PETITION PROBLEMS

#353 --- JJS

1. Need original signature for legal owner.
2. Need original signature for contract purchaser.

#354 --- JRA

1. Receipt not given to petitioner - still in folder.

#356 --- JJS

1. No telephone number for legal owner.
2. Only 1 receipt for item #356 & 357.

#357 --- JJS

1. No telephone number for legal owner.
2. Only 1 receipt for item #357 & 356.

#358 --- JLL

1. No telephone number for legal owner.

#360 --- JJS

1. No zoning classification on petition form.

#361 --- JJS

1. No zoning classification on petition form.

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: March 22, 1996

TO: Hearing Officer

FROM: John J. Sullivan
Planner II
Zoning Review, PDM

SUBJECT: Item #360
2110 Taylor Avenue

While reviewing the submitted site plan, I informed Phillip L. Asplen, Jr. (the petitioner's attorney) that building setbacks and the uses of certain structures were not shown. I informed him that the hearing officer could ask for revised plans and delay the outcome based on the above. Mr. Asplen stated that he wished to proceed with the original site plans.

JJS:scj

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

APRIL 15, 1996

Ms. Beverly E. Grossman
3502 Hiss Avenue
Baltimore, Maryland 21234

Re: Case Number: 96-361-SPH
2110 Taylor Avenue

Dear Ms. Grossman:

The hearing in this matter is scheduled for April 24, 1996 at 9:00 a.m. before the Deputy Zoning Commissioner. As such, its disposition is no longer in this office's arena.

This to advise that your letter of April 10, 1996 has become part of the file, which will be delivered to the Zoning Commissioner's office for the upcoming hearing.

However, the optimal time for interested parties to submit evidence is almost always at the hearing. There testimony can be offered in support of such evidence and any testimony offered in contradiction can be directly addressed.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

AJ:ggs

MICROFILMED



RE: PETITION FOR SPECIAL HEARING
2110 Taylor Avenue, NEC Taylor and
Wendover Avenues, 9th Election District,
6th Councilmanic

Maurice Duca
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-361-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Philip L. Asplen, Jr., Esquire, 625 Oxford Building, 8600 LaSalle Road, Towson, MD 21286, attorney for Petitioners.

Peter Max Zimmerman

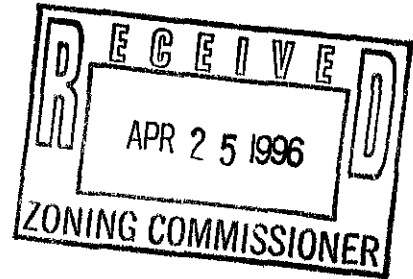
PETER MAX ZIMMERMAN

MICROFILMED

Deven Case 4/24
Nevitt Edwards
2511 Taylor Avenue
Parkville MD 21234

April 18, 1996

Commissioner Lawrence Schmidt
Zoning Commissioners Office
400 Washington Avenue
Towson MD 21204



Dear Commissioner Schmidt:

I am opposed to granting a special exemption in case number 96-361 SPH. Having grown up in Parkville and having recently returned to the neighborhood, I have watched the neighborhood gradually deteriorate as both the housing and the population has aged. Recently, the neighborhood seems to be recovering as a number of young families (myself included) have moved into the areas and have begun to fix up their homes. Additionally, both the State and the County have invested money to sustain the neighborhood both in the streetscaping of Harford Road and the tax incentive to redevelop the Oakleigh Road and Taylor Avenue retail area. Allowing single family homes to be split into apartments, especially in a piece meal fashion, will further erode the economic and social viability of the neighborhood.

A number of rental properties are already in the neighborhood and more than satisfy demand. Tenants and absentee land lords tend to do a minimum to maintain the property. Thus, rentals tend to be unkept and rapidly become eyesores in the community.

The Villa Cresta area, and other aging neighborhoods need the support of the county to maintain the viability of its suburbs. Else, the county will begin to experience the problems of Baltimore City as families and businesses continue to migrate further out to the suburbs.

Please take my concerns into consideration before you grant this exemption.

Sincerely,

Nevitt S. Edwards III

MICROFILMED

96-1747

4/11/96
cg
to AS

April 10, 1996

Mr. Arnold Jablon, Director
Baltimore County Dept. of Permits & Development Mgt.
County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md. 21204

RE: Notice of Hearing - Case No. 96-361-SPH (Item 360)
Date of Hearing: April 24, 1996 at 9:00 AM
2110 Taylor Avenue
(Maurizio Duca)

Dear Mr. Jablon:

I am in receipt of your letter of 3/29/96.

I would like you to be aware of the fact that:

- 1) The LEGAL OWNER as stated on the letter is deceased and the father of MAURIZIO DUCA, middle initial (J), who rents the property out as (3) apartments, not (2) and/or office space in his basement.
- 2) Mr. Maurizio J. Duca has not posted any signs as of this date as stated in the letter.
- 3) As stated above, the special hearing is to approve the use of a TWO APARTMENT DWELLING when he is only zoned for a ONE FAMILY DWELLING per the 13,000 sq. footage required in Mr. James H. Thompson's letter of 8/10/95.

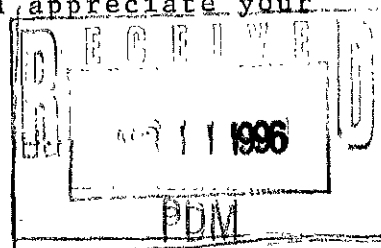
This has been the **reason** for this hearing back in August of 1995 due to the fact, Mr. Duca has and will continue to rent this property as a THREE APARTMENT AND/OR TWO APARMENT AND OFFICE at 2110 Taylor Avenue.

I would like a response to my letter and appreciate your attention to this matter.

Sincerely,

Beverly E. Grossman

Beverly E. Grossman
3502 Hiss Avenue
Baltimore, Md. 21234 (former tenant at 2110 Taylor Ave.)



MICROFILMED

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 10, 1995

Mr. Maurice J. Duca
2108 Taylor Avenue
Baltimore, Maryland 21234

Re: Case No. C-95-2495
2110 Taylor Avenue
9th Election District

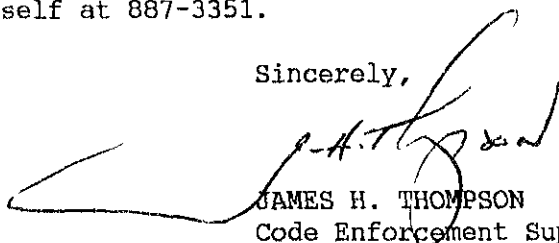
Dear Mr. Duca:

By September 15, 1995, 2110 Taylor Avenue must be re-converted back to a single-family dwelling. Under D.R.5.5 zoning the required lot size to support three apartments must be 13,000 sq. ft. The assessment records indicate lots 34 and 35 are comprised of 4165 sq. ft. If this use pre-dates 1945 and has been continuous, the option to file a Special Hearing Petition does exist for three apartments. If you elect to proceed with this option, by the September date, an appointment review date must be scheduled with Development Control (887-3391) to file the public hearing petition.

Finally, in the same time frame all commercial business operations from this property must cease.

If additional questions remain, please contact either Inspector Timothy L. Fitts or myself at 887-3351.

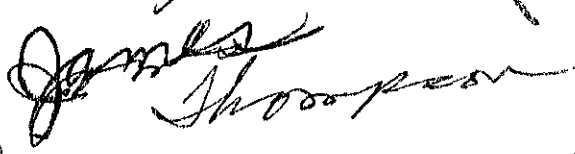
Sincerely,


JAMES H. THOMPSON
Code Enforcement Supervisor
Department of Permits and
Development Management

JHT/hek

c: Inspector Timothy L. Fitts
bc: Ms. Beverly Grossman ✓

887
3351



MICROFILMED



MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Maurice J. Duck

2108 TAYLOR AVE.



RECEIVED

IN RE: PETITION FOR SPECIAL HEARING
NE cor. Taylor and Wendover
Avenues
2110 Taylor Avenue
9th Election District
5th Councilmanic District
Maurice J. Duca, Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-361-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2110 Taylor Avenue in the Parkville section of Baltimore County. The Petition is filed by Maurice Duca, property owner. Special Hearing relief is requested to approve the use of the subject property as a two apartment dwelling, as a nonconforming use. The subject property is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Maurice J. Duca, property owner. Also appearing in support of the Petition was Jack Fiorini, a neighbor. The Petitioner was represented by Philip L. Asplen, Jr., Esquire. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is approximately .4357 acres in area, zoned D.R.5.5. This is a corner lot, located at the northeast corner of the intersection of Taylor Avenue and Wendover Avenue. The property is situated within the residential subdivision known as Parkville Heights. The subject property is actually comprised of three residential lots from the plat as originally laid out of the subdivision. The site is improved with a two story masonry building which is utilized to house two apartments.

Mr. Duca testified that the property has been owned by his family for many years. He indicated that his grandfather originally purchased the property and constructed the subject dwelling thereon prior to World War II. Later the property was owned by Mr. Duca's father and Mr. Duca acquired the property from his father's estate in 1992.

He further testified that the property has been used as a two apartment unit for as long as he can remember. Each apartment has a separate entrance. Moreover, each apartment has its own utility meter, a bathroom and living area.

Testifying in support of the request was Jack Fiorini, who resides at 7943 Highpoint Road, a short distance away. Mr. Fiorini has been familiar with the subject area and lot since the late 1930s. He testified that he worked for the Petitioner's grandfather and recalls the subject dwelling being constructed prior to World War II. As a resident of the locale, Mr. Fiorini was also able to testify that the property has been used as a two apartment dwelling since its construction. He indicated that there has been no abandonment or discontinuance of the use.

Nonconforming use is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) and regulated by the provisions of Section 104 thereof. Essentially, a nonconforming use designation can be utilized to grandfather an otherwise illegal use. The Petitioner must demonstrate that the subject use predated the adoption of the ordinance which prohibits such use. Moreover, it must be established that the use has not been discontinued or abandoned.

Based on the uncontradicted testimony and evidence presented, I am persuaded that the Petitioner has met its burden. The uncontradicted testimony of Mr. Fiorini is particularly persuasive. That gentleman has personal knowledge of the use of the subject property since prior to 1945.

- 2 -

the date the first zoning regulations were adopted in Baltimore County. Thus, for these reasons, the Petition for Special Hearing shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of April 1996 that, pursuant to the Petition for Special Hearing, approval for the use of the property, as a nonconforming use, for a two apartment dwelling, be and is hereby GRANTED, subject, however, to the following restriction.

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

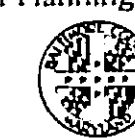
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 4/24/96
By W. J. Asplen

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 867-4386

April 29, 1996

Philip J. Asplen, Jr., Esquire
8600 LaSalle Road, Suite 625
Oxford Building
Baltimore, Maryland 21286

RE: Petition for Special Hearing
Case No. 96-361-SPH
Property: 2110 Taylor Avenue
Dr. Maurice J. Duca, Petitioner

Dear Mr. Asplen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 867-3353.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

encl.

c: Mr. Maurice J. Duca, 2108 Taylor Avenue, Balto. Md. 21234

c: Mr. Nevitt S. Edwards III, 2511 Taylor Avenue, Balto. Md. 21234

Printed with Daybreak Ink
on Recycled Paper

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at

96-361-SPH 2110 Taylor Avenue
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of 2110 Taylor Avenue as a two-apartment dwelling. The property has been continuously used as a multi-apartment dwelling since it was constructed in the 1920's. The continuous use as a multi-apartment dwelling pre-dates 1945.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Cause:
Type or Print Name:
Signature:
Address:
City: State: Zipcode:

Maurice Duca
Maurice J. Duca
2108 Taylor Avenue
Baltimore, Maryland 21234
City, Address and phone number of representative to be contacted

Attorney for Petitioner:
Philip L. Asplen, Jr.
625 Oxford Building
8600 LaSalle Road, Suite 625
Baltimore, Maryland 21286
City, Address and phone number of representative to be contacted

Philip L. Asplen, Jr.
8600 LaSalle Rd. 4625
Baltimore, MD 21286
City, Address and phone number of representative to be contacted

ESTIMATED LENGTH OF HEARING
The following date is available for hearing: Next Two Months
ALL ☒ OTHER ☐
REVIEWED BY: *W. J. Asplen* DATE: 3-22-96

J. FINLEY RANSONE & ASSOCIATES
Land Surveying Engineering
Real Estate Development Construction Management

March 5, 1996

Zoning Description 96-361-SPH
Duca Property
No. 2110 Taylor Avenue

ALL that piece or parcel of land situate, lying, and being in the Ninth Election District, and Sixth Councilmanic District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at the corner formed by the intersection of the north side of Taylor Avenue, 50 feet wide, with the east side of Wendover Avenue, 40 feet wide; said point being distant 96 feet from the intersection of the center of Queen Anne Road, 40 feet wide, with the north side of Taylor Avenue; and being designated as Lot No. 32, 33 34, and 35; and Lot No. 552, 553, 554, 555, and 556 as shown on the Plat entitled "Parkville Heights" which plat is recorded among the Plat Records of Baltimore County in Platbook No. 7 folio 38.

THE IMPROVEMENTS thereon being known as No. 2110 Taylor Avenue.

PO BOX 10140 • TOWSON, MARYLAND • 21285-0140
PHONE: (410) 644-7448 • FAX: (410) 644-8373

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 9th Date of Posting APRIL 24, 1996 HEARING
Posted for: MAURICE DUCA
Petitioner: 2110 TAYLOR AVE
Location of property: 2110 TAYLOR AVE
Location of Sign: _____
Remarks: _____
Posted by: Joseph P. [Signature] Date of return: _____
Number of Signs: 1

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition, under the provisions of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of 2110 Taylor Avenue as a two-apartment dwelling. The property has been continuously used as a multi-apartment dwelling since it was constructed in the 1920's. The continuous use as a multi-apartment dwelling pre-dates 1945.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/4, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/4, 1996.

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 360 Petitioner: M. DUCA

Location: 2110 TAYLOR AVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PHILIP L. ASPLEN, JR.

ADDRESS: 8600 LASALLE ROAD SUITE 625 OXFORD BLDG

BALTIMORE, MARYLAND 21286

PHONE NUMBER: (410) 821-7831

Printed with Daybreak Ink
on Recycled Paper

12

TO: PUTNEM PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please forward billing to:

Philip L. Asplen, Jr., Esq.
8600 LaSalle Road, Suite 625
Baltimore, MD 21286
821-7631

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-361-SPH (Item 360)
2110 Taylor Avenue
NEC Taylor and Meadow Avenues
9th Election District - 6th Councilmanic
Legal Owner: Maurice Duca

Special Hearing to approve the use as a two apartment dwelling.

HEARING: WEDNESDAY, APRIL 24, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-361-SPH (Item 360)
2110 Taylor Avenue
NEC Taylor and Meadow Avenues
9th Election District - 6th Councilmanic
Legal Owner: Maurice Duca

Special Hearing to approve the use as a two apartment dwelling.

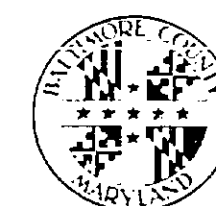
HEARING: WEDNESDAY, APRIL 24, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Maurice Duca

Philip L. Asplen, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 17, 1996

Mr. Philip L. Asplen, Jr., Esquire
625 Oxford Building
8600 LaSalle Road
Baltimore, MD 21286

RE: Item No.: 360
Case No.: 96-361-SPH
Petitioner: Maurice Duca

Dear Mr. Asplen:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management Date: April 5, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 1996
Item Nos. 351, 352, 354, 359, 360 & 361

The Development Plans Review Division has reviewed the subject zoning item, and we have no comment.

RWB:HJO:jrb

cc: File

ZONESA

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4830

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 01, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 351, 352, 354, 355, 356, 357, 358, 359, 360 AND 361.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management DATE: March 28, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 352, 354, 356, 357, 358, 359, 360, and 361

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey Long

Division Chief: Andy L. Lewis

PK/JL

ITEM 352A/PZONE/ZAC1



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 352 (750)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 3-28-96
FROM: DEPRM
Development Coordination

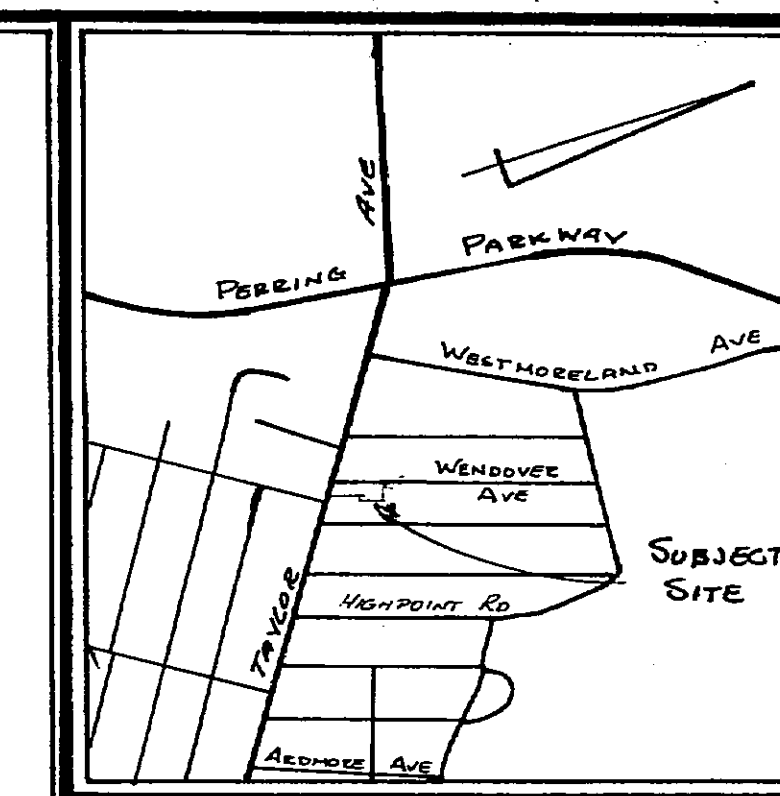
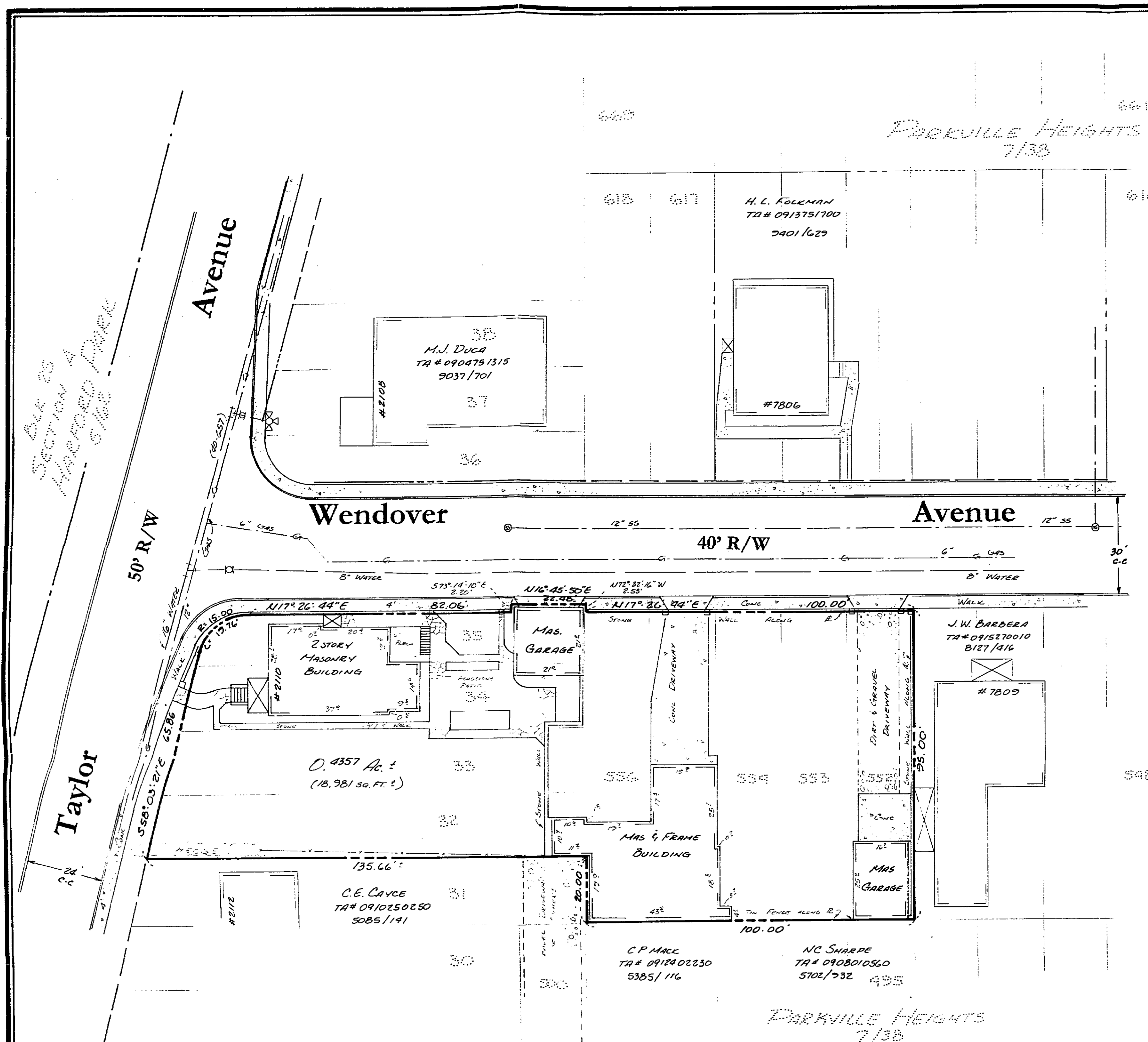
SUBJECT: Zoning Advisory Committee
Agenda: meeting of 4/1/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 352
353
354
355
356
357
359
360 ✓
361

LS:sp

LETTY2/DEPRM/TXTS8P



VICINITY MAP
Scale 1" = 1,000'

Plat To Accompany Petition For
Special Hearing
No. 2110 Taylor Avenue
Lot No.'s 32 thru 35
and 552 thru 556
PARKVILLE HEIGHTS
PB No. 7 folio 38
9th Election District
6th Councilmanic District
Baltimore County Maryland

OWNER **360**
Maurice J. Duca
2108 Taylor Avenue
Baltimore, MD 21234
Phone: 665-7577

GENERAL NOTES

1. SITE DATA:

CURRENT ZONING DR 5.5
ZONING MAPS 200 SCALE NE 8 C
1000 SCALE E-3
AREA 18,981 SQ. FT.
0.4357 Acre

2. OWNERSHIP INFORMATION

DEED REFERENCE 9218 / 264
TAX ACCOUNT NUMBERS
LOTS 32 & 33 0904751310
LOTS 34 & 35 0904751311
LOT 552 0904751312
LOTS 553 & 554 0904751313
LOTS 555 & 556 0904751314

3. RECORD DRAWINGS

STREET RIGHT OF WAYS RW 67-135-5 & 67-135-6A
SEWER 52-589 A 10
WATER (TAYLOR) 40-657 & 77-0145
(WENDOVER) 47-012 A-4-8
POSITION SHEETS 30 NE 12

SURVEYED BY: J.F. RANSONE 2/21/96
COMPUTED BY: J.F. RANSONE
DRAWN BY: J.F.R.
CHECKED BY:

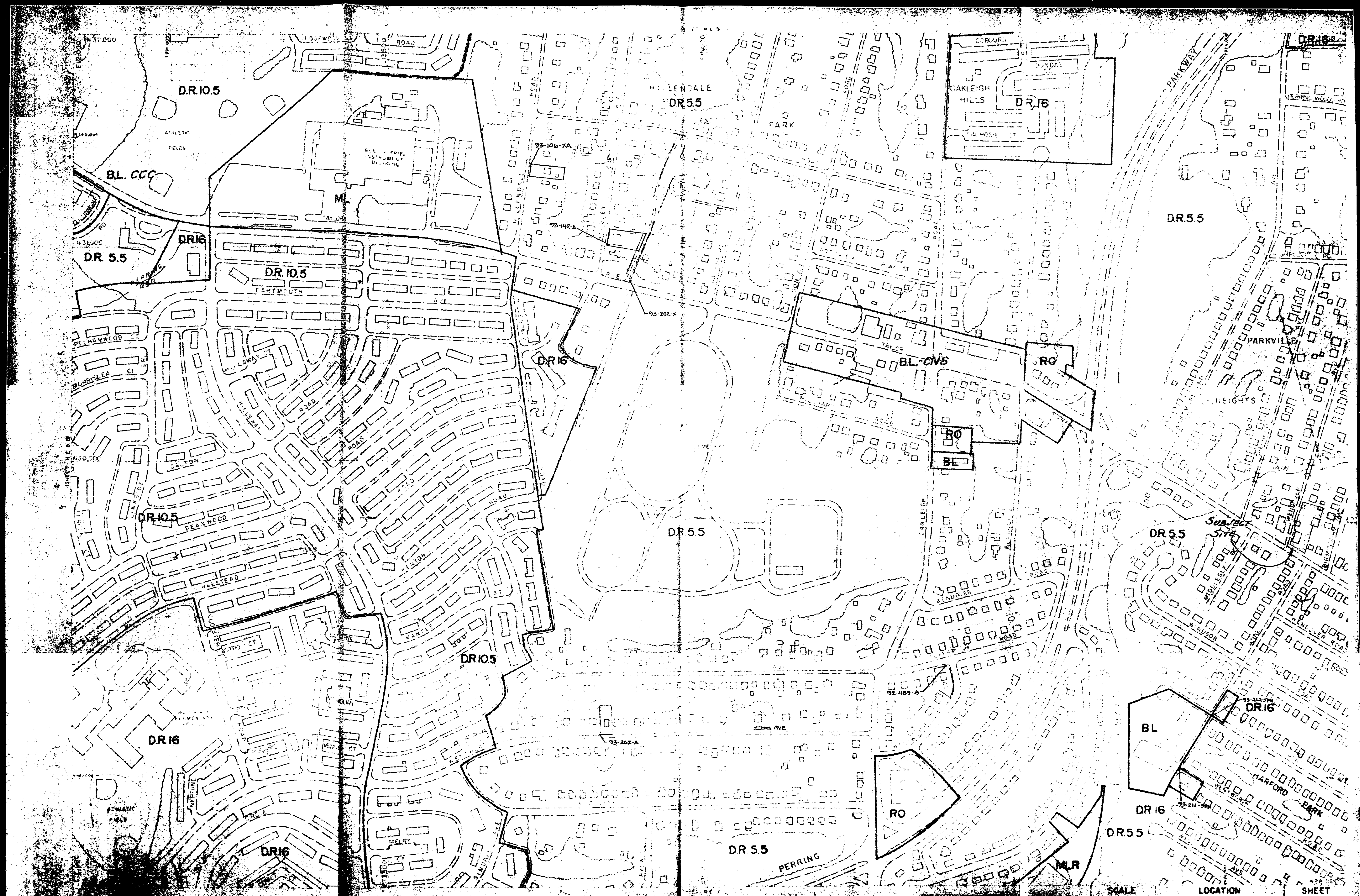
DATE	AMENDMENTS AND REVISIONS REASON

SCALE: 1" = 20' DATE: March 5, 1996

J. Finley Ransone & Associates
Registered Land Surveyors
P.O. Box 10160
Towson, Maryland
21285-0160

J# 9601-1046 F# 9B-068

96-361-SPH



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

DATE OF PHOTOGRAPHY JANUARY 1954	LOCATION PARKFORD PARK	SHEET N E 8 - C
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THIS MAP HAS BEEN REVISED IN SELECTED AREAS
 BY COMPILING BY PHOTOGRAMMETRIC METHODS
 BY MORRIS INC. BALTIMORE, MD 21210

William Howard
 Chairman, County Council

-361-SPH

360